

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**IN RE GENETICALLY MODIFIED
RICE LITIGATION**

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ALL CASES**

NOTICE OF CROSS APPEAL

Notice is given that Don M. Downing and Adam J. Levitt, Plaintiffs' Co-Lead Counsel and on behalf of all Common Benefit Attorneys, hereby cross appeal to the United States Court of Appeals for the Eighth Circuit from the district court's ruling set forth in the memorandum and order dated February 24, 2010 (D.I. 2574) and brought forward to merge with the order dated December 6, 2012 (D.I. 4935) that the court lacks jurisdiction to require hold backs and contributions from recoveries in related state-court cases (in which the attorneys and/or parties also were before the MDL court) for deposit into the common benefit fund for payment to attorneys who rendered services and incurred costs benefitting all plaintiffs and counsel, including those in state court.

Dated: December 19, 2012

Respectfully submitted,

GRAY, RITTER & GRAHAM, P.C.

By: /s/ Don M. Downing
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Plaintiffs' Designated Co-Lead and Liaison Counsel

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have this 19th day of December, 2012, electronically filed a copy of the foregoing with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the parties of record.

/s/ Don M. Downing